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INSTITUCIONET E PËRKOHSHME VETËQEVERISËSE  
PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT  
PRIVREMENE INSTITUCIJE SAMOUPRAVLJANJA

QEVERIA E KOSOVËS – GOVERNMENT OF KOSOVO – VLADA KOSOVA

MINISTRIA E MJEDISIT DHE  
PLANIFIKIMIT HAPËSINOR

MINISTRY OF ENVIRONMENT  
AND SPATIAL PLANNING

MINISTARSTVO SREDINE I  
PROSTORNOG PLANIRANJA

UNMIK/REG/2003/9 15  
April 2003

**REGULATION NO. 2003/9**

**ON THE PROMULGATION OF  
THE LAW ADOPTED BY THE ASSEMBLY OF KOSOVO  
ON ENVIRONMENTAL PROTECTION**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

In conformity with sections 9.1.44 and 9.1.45 of the Constitutional Framework for Provisional Self-Government (UNMIK Regulation No. 2001/9),

Taking into account a communication from the President of the Assembly of Kosovo, dated 10 February 2003, concerning the Law on Environmental Protection adopted by the Assembly of Kosovo on 6 January 2003,

Hereby promulgates effective as of the date of signature the Law on Environmental Protection (Law No. 2002/8) attached to the present Regulation, provided that its provisions, in particular those set out in articles 11, 13.1 and 24, shall be implemented in full conformity with sections 8.1 (m) through (p), (q), and (r) of the Constitutional Framework for Provisional Self-Government, and the terms “import” and “export” and derivatives thereof shall be interpreted for the purposes of implementation of the Law in a manner consistent with United Nations Security Council resolution 1244 (1999).

Signed on this 15<sup>th</sup> day of April 2003.

Michael Steiner Special  
Representative of the Secretary-General

## **PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT**

### **ASSEMBLY OF KOSOVO**

#### **LAW NO. 2002/8**

#### **THE ENVIRONMENTAL PROTECTION LAW**

The Assembly of Kosovo,

Based on the Regulation Nr.2001/9 of the 25<sup>th</sup> of May 2001 "On the Constitutional Framework of the Provisional Institutions of Self Government in Kosovo, and especially Sections: 5.1 (f), 5.7, 9.1.26 (a), 9.3.3,11.2 and further;

Recognizing the need to bring environmental standards in Kosovo into harmony with those of the European Union;

Committed to the goal of providing the people of Kosovo with an increasingly healthy environment;

Mindful that the introduction of such standards and the creation of such an environment must be accomplished in a manner that is consistent with the sustainable economic development and the ability of Kosovo to bear the associated cost; and

For the purpose of establishing a basic legal framework that will (i) provide for an increasingly healthy environment through the gradual introduction of the environment standards of the European Union, (ii) ensure that the creation of such an environment is accomplished in a manner that is affordable and consistent with sustainable economic development, (Hi) establish the specific authority and obligations of the public authorities responsible for gradually introducing and enforcing such standards, and (iv) set out the rights and obligations of person and undertakings affected by such activities or interest in promoting a healthy environment in Kosovo;

Issues the Law on Environmental Protections, as follows:

#### **CHAPTER I: GENERAL PROVISIONS**

Article

##### **PURPOSE OF THE LAW**

1 A fundamental purpose of the present law is to establish a basic legal framework that will promote an increasingly healthy environment for the people of Kosovo through the gradual introduction of the Environmental Standards of the European Union.

2 It is also a fundamental purpose of the present law to ensure that the creation of such an environment is accomplished in a manner that is affordable and consistent with sustainable economic development.

3 The present law designates the specific public authorities that are to implement one or more provisions of the present law and establishes the specific authority and obligations of each such public authority under the present law. The present law also sets out the rights and obligation of person and undertakings affected by the activities of such public authorities or interested person in promoting a healthy environment in Kosovo.

## Article 2

### DEFINITIONS

The following Definitions shall apply to this Law:

(a) “Assembly” means the legislative body established pursuant to Sections 1.5(a) and 9.1 of the UNMIK Regulation 2001/9 “On the Constitutional Framework for Provisional Self-Government in Kosovo;

(b) “Critical Environmental Strain” is a general term that refers to Pollution, Emissions or Discharges that exceed the applicable critical limit levels established by the present law or a subsidiary normative act issued pursuant to the present law;

(c) “Danger to the Environment” means an item or activity that has an unusually significant potential to cause substantial Environmental Damage or an Environmental Accident;

(d) “Degradation” or “Degradation to the Environment” means a very substantial degradation of the Environment (in so far as it related to quality of life), due to Pollution, Emissions, Discharges or the unauthorized use or exploitation of natural resources;

(e) “Environmental Accident” means an unanticipated event that occurs by reason of force majeure or other unforeseen cause, and results in a large acutely short-term Discharge or Emission that poses a significant threat to public health or causes substantial Environmental Damage;

(f) “Environmental Consent” means a written authorization issued in accordance with the present law or a subsidiary normative act issued pursuant to the present law that, under the circumstances specified in the present law or a subsidiary normative act issued under the present law, is required in order to obtain a construction permit;

(g) “Environmental Impact Assessment” (“EIA”) means an assessment to determine the likely environmental consequences of construction or other development activity;

(h) “Environmental Damage” means a very substantial negative impact on the regenerative capacity of the Environment or to the viability of a specific Ecosystem;

(i) “Environmental Inspector” means a person who has been duly authorized, in accordance with the present law or a subsidiary normative act issued under the present law, to conduct inspections of development and other activities and to make preliminary determinations regarding the conformity or non-conformity of such

activities with the requirements of the present law and the subsidiary normative acts issued pursuant to the present law;

(j) “Environmental Inspectorate” means the institution established under the present law;

(k) “Environmental Permit” means a written authorization issued in accordance with the present law or a subsidiary normative act issued pursuant to the present law that, under the circumstances specified in the present law or a subsidiary normative act issued under the present law, is required in order to obtain an operating license;

(l) “Environmental Protection Advisory Board” means the board established pursuant to the present law;

(m) “Excessive Environmental Strain” is a general term that refers to Pollution, Emissions or Discharges that exceed the applicable limits established by the present law or a subsidiary normative

act issued pursuant to the present law;

(n) "Government" means the Government established pursuant to Sections 1.5(c) and 9.3 of UNMIK Regulation 2001/9 "On a Constitutional Framework for Provisional Self-Government in Kosovo" and any successor government or central executive authority;

(o) "Hazardous Waste" means a by-product of society that (i) poses a substantial danger to human health or the environment when not properly managed, (ii) is ignitable, corrosive, reactive, or toxic, and (iii) has been classified as hazardous by the EU;

(p) "Kosovo Environmental Fund" means the fund established pursuant to present law;

(q) "Kosovo Environmental Protection Agency" ("KEPA") means the agency within the Minister and referred to in Section 42 of the present law;

(r) "Normative Act" means any UNMIK regulation or laws having normative force in Kosovo;

(s) "Subsidiary normative act" shall mean an administrative direction, administrative instruction or any other act having normative force in Kosovo that has been promulgated by a public authority pursuant to a specific grant of authority provided by a normative act;

(t) "Specific Act" shall mean the principles, procedures, rules, norms or specific standards that are issued pursuant to this law. When, by this law the Government has the authority to approve acts, they should be Administrative Directions, Administrative Instructions or other acts that the Government is authorized to issue pursuant to this law, other laws or UNMIK Regulations. When this law gives the authority to the Minister to issue acts, they should be Administrative Instructions or other form that the Minister has the authority to issue pursuant to this law, other laws or UNMIK Regulations. When this law gives authority to the municipalities to approve specific acts, they should be acts that the municipalities are authorized to issue pursuant to this law, other law and UNMIK Regulations. When this law refers to other specific acts without delegating a specific authority to issue such acts, these will be covered by the Government, Minister, Ministry or Municipality;

(u) "License" shall mean a formal written legal instrument issued by a public authority authorizing the holder thereof to engage, in accordance with the conditions specified therein, in a specific type of business or other on-going activity. "Normative act" shall mean any UNMIK regulations or law having normative force in Kosovo;

(v) "Permit" shall mean a formal written legal instrument issued by a public authority authorizing the holder thereof to execute, in accordance with the conditions specified therein, a specific one-time activity or project;

(w) "Person" means a natural person or a legal person;

(x) "Polluter" means Persons causing Pollution;

(y) "Pollution" means the discharge of a substance (including a solid, liquid or gas) or energy (including vibration, radiation, heat, light, noise, or other form of energy) into the Environment that has a significant potential to damage human health, living organisms or Ecosystems, or to cause Environmental Damage;

(z) "Protected Areas" are specifically defined areas that have been designated as protected areas by the present law or pursuant to a subsidiary normative act issued pursuant to the present law in order to promote the preservation of certain valuable natural features having topographical, ecological, or recreational importance;

(aa) "Public Authority" mean any of the following: (i) a central, regional, municipal or local executive authority, public body, ministry, department, agency, or other authority that exercises, pursuant to any normative or subsidiary normative act, executive, legislative, regulatory, public-administrative or judicial powers;

(bb) "Public Utilities in the Field of Environmental Protection" means those public services provided by public services operators and involving waste collection and management, the supply of water, the supply of sewage services, and the provision of other services directly related to the

prevention or management of pollution;

(cc)“Undertaking” means any partnership, joint venture, enterprise, legal entity, association, project, branch, office or other organization or establishment;

(dd)“Valuable Natural Resources” means, rare, particularly valuable, unique or well-known natural phenomena, which have been designated as such by the present law or pursuant to a subsidiary normative act issued pursuant to this present law; such features may include unique geological phenomena such as fossils, unusual mineral deposits or formation, caves, gorges, waterfalls, lakes, rivers, wetlands, and rare plant and animal species, as well as unique ecosystems and landscapes;

(ee)“SRSG” shall mean the Special Representative of the Permanent Secretary General of the United Nations and offices under his/her jurisdiction;

(ff)“UNMIK” shall mean the United Nations Interim Administration Mission in Kosovo;

(gg)“Recycling” shall mean selective collection of municipal waste in order to reproduce and reuse. The same material shall be used to produce the same product or a similar one;

(hh)“Genetically Modified Organisms” shall mean organisms (plants, animals and micro-organisms and their parts) created through generic engineering respectively genetic modifications;

### Article 3

#### **RESPONSIBLE AUTHORITIES FOR THE MANAGEMENT OF ENVIRONMENTAL PROTECTION**

1 “To the extent they are specifically required or authorized to do so by another provision of the present law, or a provision of a subsidiary normative act issued pursuant to the present law, public authorities shall or may, as stipulated by such provision, engage in Environmental Protection.

2 The Assembly and Government of Kosovo, shall ensure the protection of the environment by issuing strategic documentation and programs for environmental protections in specific fields, provided that such strategic documents and programs shall be in conformity with the other provisions of the present law.

3 The Ministry shall, to the extent it is specifically required or authorized to do so by another provision of the present law, or a provision of a subsidiary normative act issued pursuant to the present law, provide Environmental Protection within the scope of its responsibilities and functions as specified in UNMIK Regulations 2001/19 as amended by UNMIK Regulations 2002/5.

4. A Municipality may, to the extent it is specifically required or authorized to do so by the present law, or a provision of a subsidiary normative act issued pursuant to the present law, exercise responsibility for those environmental matters originating or likely to originate within such Municipality, if such matters can be handled, controlled, prevented, financed or managed by such municipality itself. The environmental matters that may fall within the responsibility of a Municipality are:

(a) Establishing standards, in accordance with the present law and the subsidiary normative acts issued pursuant to the present law, for local providers, not under the management or administration of the SRSG, of Public Services in the Field of Environmental Protection;

(b) Ensuring compliance by such providers with such standards;

(c) Planning in relation to the protection of the Environment within such Municipality;

(d) Establishing reasonable local Nature Conservation measures in a manner that is consistent with sustainable economic development, in accordance with the present law and the subsidiary

normative acts issued pursuant to the present law;

(e) Establishing and enforcing measures aimed at controlling noise levels within such Municipality; and

(f) Other environmental matters assigned to the Municipalities by the present law or pursuant to a subsidiary normative act issued pursuant to the present law.

4 The Ministry shall exercise administrative supervision and oversight over the Environmental Protection activities of the Municipalities to ensure (i) the compliance of the Municipalities with the provision of the present law and the subsidiary normative acts issued pursuant to the present law; and (ii) the coordination of the Environmental Protection activities of the Ministry and those of the Municipalities to eliminate any unnecessary, duplicative or inconsistent environmental measures or standards. In order to achieve such compliance and coordination, the Ministry shall have the authority to require a Municipality to modify, repeal, or establish an environmental measure or standard.

5 Activities aimed at encouraging the rational use of natural resources, the adoption of environmentally sound practices and the promotion of sustainable economic development may be carried out by relevant administrative institutions, persons, nongovernmental organizations, professional organizations and undertakings.

#### Article 4

##### **OBJECTIVES OF ENVIRONMENTAL PROTECTION**

The basic objective of Environmental Protection is to achieve the following general goals in a manner that is both realistically affordable by public authorities, persons and undertakings and consistent with the sustainable economic development of Kosovo:

(a) The gradual reduction of Pollution, Degradation and Environmental Damage and the minimization or prevention of those aspects of economic and other activities that pose a significant threat to human health and the Environment;

(b) The preservation of the bio-diversity and general ecological balance of Kosovo;

(c) The rational and sustainable use of natural resources and productive soil and the preservation of natural genetic stocks;

(d) The protection of Valuable Natural Features; and

(e) The preservation of the diversity and the culture and aesthetics worth of the landscape.

#### Article 5

##### **GUIDING POLICY PRINCIPLES OF ENVIRONMENTAL PROTECTION**

1. To the extent that a public authority is specifically required or authorized by a provision of the present law or a subsidiary normative act issued under the present law, to implement the present law or to adopt and/or implement a subsidiary normative act authorized by the present law, such public authority shall exercise such responsibility in a manner that generally is guided by the following policy principles, but that also seriously take into consideration a realistic assessment of (i) the ability of public authorities and person and undertaking in Kosovo to afford a proposed environmental protection measure, standard or activity, and (ii) the potential negative impact on the important goal of promoting sustainable economic development in Kosovo:

(a) Principal of Gradual Harmonization with European Union Standards

Environmental protection shall be based on the gradual introduction of European Union standards aimed at ultimately providing individuals with a health Environment and the principle of using the most appropriate practices, accepted in the scientific community, for improving the Environment;

(b) Balancing Environmental Protection and the Need for Economic Development

All Environmental Protection measures, standard requirements and activities shall be designed and implemented in a manner that (i) balances the objective of environmental protection with the objective of achieving sustainable economic development and (ii) reduces the costs associated therewith to the level that can reasonably be afforded by the Government and the population of Kosovo.

(c) Principle of Protection of Protected Areas and Valuable Natural Resources

Individuals, undertakings and public authorities shall be required to refrain from engaging in activities that unreasonably endanger the bio-diversity of Kosovo.

Valuable Natural Features or Protected Areas.

(d) Principle of Gradual Integration of Environmental Protection

Public authorities shall cooperate and coordinate with each other in developing, adopting and implementing any measures, standards or activities aimed at Environmental Protection.

(e) Principle of Precaution and Prevention

To the extent reasonable practicable, in light of the relative cost and expected environmental benefits, an activity shall be planned and implemented in such a way as to prevent or limit adverse effects on the Environment and the potential risks to human health.

(f) Principle of Re-Use and Recycling of Substances and Chemical Solutions

Public authorities shall encourage the use of substances that can be reused, recycled or biologically degraded and the use of chemicals and other items that are less dangerous for the Environment and human health.

(g) Principle of the Polluter and the Exploiter' Pays

A person, undertaking or public authority that has caused an Excessive or Critical Environmental Strain shall be responsible for paying the costs associated with reducing or abating such strain. Such person, undertaking or authority shall also be liable to pay for any damages actually suffered by others as a result of such Excessive or Critical Environmental Strain.

(h) Principle of Successor Land Owner Liability

If a piece of property contains a concentration of pollutants or hazardous waste that constitutes an Excessive or Critical Environmental Strain, the owner of such piece of property shall, if such concentration is determined to constitute a genuine and significant danger to human health or the Environment, generally be liable for reducing or abating, over a reasonable time frame, such concentration, provided that, the owner shall not be liable for reducing or abating such concentration if such concentration is the result of the activity of a socially owned or public' enterprise.

An owner shall also not be liable to abate or reduce such concentration to the extent that such concentration existed prior to the effective date of the present law if such owner did not cause or participate in any manner in the acts resulting in such concentration. Provided, that to the extent that the owner acquired the property at a reduced price

reflecting the presence of such concentration, then the owner shall be liable to pay the cost of abating or reducing such concentration up to the difference between the market value of the property at the time of the acquisition and the reduced price paid by the owner.

(i) Principle of Mandatory Insurance

A person who is engaged in an activity that involved an inherent and unusually high risk of danger to third persons and/or substantial Environmental Damage shall be required to carry certain basic levels of insurance to cover potential liability to third person in the event of an Environmental Accident.

(j) Principle of Subsidiary Responsibility

In cases where the liability cannot reasonably or lawfully be imposed on a specific person, or undertaking, or a group of person or undertakings, the Government shall generally be responsible for bearing the cost, in accordance with its financial ability, involved in reducing or abating a concentration of pollutants or hazardous waste that constitutes an Excessive or Critical Environmental Strain or repairing Environmental Damage.

(k) Principle of Encouragement of Measures

The Government shall, promote activities aimed at preventing and reducing pollution through, the development of proposals, for consideration by the Assembly, for the establishment of measures aimed at encouraging or providing incentives for the introduction of specific environmentally friendly practices, activities and/or technologies. All such proposals shall include a detailed cost/benefit assessment of each measure proposed.

(l) Principle of Protection of the Right to Go to Court

Any person or undertaking, or group of person or undertakings, if they are suffering material damage or are under a serious threat of suffering material damage attributable to a particular activity or source of pollutions that is in violation of the present law or a subsidiary normative act issued pursuant to the present law, shall have the right to file a claim or request the competent court or public authority  
requiring the appropriate enforcement of the present law or such subsidiary normative act.

(m) Principle of Public Access to Information

All persons have a general right to be informed about the state of the Environment. Information concerning the state of the Environment and environmentally relevant information on the procedures and activities of public authorities and public services operators providing Public Services in the Field of Environmental Protection shall, to the extent required by the Law on the Freedom on Information, by public information and accessible to the public.

## **CHAPTER II: DOCUMENTS FOR ENVIRONMENTAL PROTECTION**

### **Article 6**

#### **KOSOVO'S STRATEGY FOR PROTECTION AND SUSTAINABLE DEVELOPMENT OF THE ENVIRONMENT**

- 1 The Government shall develop and submit to the Assembly a proposed Kosovo Environmental Protection and Sustainable Economic Development Strategy.
- 2 The proposed Kosovo Environmental Protection and Sustainable Economic Development Strategy shall provide the goals and guidelines of Environmental Protection in Kosovo for a ten-year period of time and shall be coordinated with the spatial plan of Kosovo.
3. The proposed Kosovo Environmental Protection and Sustainable Economic Development Strategy shall include, at a minimum:
  - (a) Proposed policies on the use of natural resources;
  - (b) Scientific-research analysis of the existing state of natural resources, spatial location and the quantity and quality of natural resources in Kosovo;
  - (c) Proposed strategic priorities for the use of natural resources, including timing and spatial location, quantity, quality, renewal and strategic reserves;
  - (d) Proposed conditions for the gradual replacement, where possible, of depleted natural resources;
  - (e) The state of bio-diversity in Kosovo and Nature Protection areas;
  - (f) An analysis of the state of the Environment and an identification of main Excessive Environmental Strains and their affects on the public health;
  - (g) Proposed basic elements and conditions for providing Environmental Protection and improving the Environment;
  - (h) Long-term projections of environmental trends and conditions;
  - (i) Proposed realistic goals and methods for dealing with environmental trends and conditions;
  - (j) A realistic estimate of the financial means needed to attain these goals and the proposed sources of such means; and
  - (k) Proposed priority tasks and projects, and the public authorities proposed to assume responsibility for their implementation.
- 3 The proposed Kosovo Environmental Protection and Sustainable Economic Development Strategy shall be prepared by the Ministry in coordination with the other Ministries and scientific institutions of Kosovo.
- 4 Before the Kosovo Environmental Protection and Sustainable Economic Development Strategy is proposed to the Assembly for adoption, it shall be made accessible to the public through the public media for a least forty-five (45) days in order to permit public expression of thoughts, comments suggestions and opinions.

#### Article 7

#### **ENVIRONMENTAL PROTECTION PROGRAMS**

1. Every five years, the Minister shall submit to the Government a proposed Kosovo Environmental Protection Program. The proposed program shall include proposals for measures to be taken or standards to be established in furtherance of the following:
  - (a) Promoting an integrated system of Environmental Protection and the promotion of sustainable economic development;
  - (b) Improvements in environmental planning and adjustments;
  - (c) Protection of water;
  - (d) Protection of soil;
  - (e) Protection of air and atmosphere (including ozone);
  - (f) Protection of bio-diversity. Ecosystems and Nature Protection areas;
  - (g) Regulation of activities involving Hazardous Waste and dangerous chemicals; and
  - (h) Protection from noise and vibration.

1 All proposals set forth in the proposed program shall include a detailed cost/benefit assessment of each measure or standard proposed.

2 Municipalities may adopt municipal Environmental Protection programs and related working programs. Such programs shall be in conformity with the present law and the subsidiary normative acts adopted pursuant to the present law.

#### Article 8

##### **SPATIAL PLANNING AND ADJUSTMENT ACTS**

1 Kosovo spatial plans, regional spatial plans, municipal spatial plans, plans for the management of Natural Resources, development plans and programs and other spatial planning and adjustment acts, as defined by law, which affect the Environment, must include an assessment of planned activities and their impact on the Environment and a detailed assessment of the potential positive economic impact of such planned activities. The assessment of planned activities and their impact shall be prepared and presented in a manner and procedure prescribed by this law.

2. Spatial and urban logistic plans shall:

(a) Describe a proposed special regime for preservation of nature protection areas, water, soil, green public spaces, recreative areas and natural spas;

(b) Define endangered Environmental areas (polluted areas, areas endangered by erosion, by floods, by exploitation of raw materials, etc.) and defining proposed measures for the rehabilitation of these areas;

(c) Propose Environmental Protection measure and conditions for the spaces dedicated to the exploitation of natural resources, construction of industrial and energy-producing facilities and infrastructures and construction of waste storage facilities.

2 The assessment of planned activities shall include an analysis of the present state of potential impacts that the proposed activities and proposed mitigation activities have on the Environment and economic development.

3 Before they are adopted, Kosovo spatial plans, regional spatial plans, municipal spatial plans, plans for the management of Natural Resources, development plans and programs and other spatial planning and adjustment acts shall be presented for assessment to the Kosovo Environment Protection Agency (hereinafter, KEPA).

#### Article 9

##### **ENVIRONMENTAL REPORT**

1. Every two years, the Government shall prepare and submit to the Assembly, a report on the state of the Environment. The Ministry shall be responsible for providing the Government with the initial draft of such report. Such report shall include data on the following:

(a) The present state of the Environment and changes to the Environment;

(b) Environmental influences on the health of the public;

(c) Environmental Damage;

(d) Sustainable exploitation of natural resources;

(e) The implementation of the Kosovo Environmental Program and its working programs, and their effect on economic development;

(f) Nature Conservation measures taken and the success of such measures, and their effect on economic development;

(g) Analysis of the functioning of the Ministry and municipal authorities and the operation of public service operators providing Public Services;

(h) An accounting of the past, present and future cost for the economic impact of environmental activities carried out by the Ministry.

2. The report shall be published and made available to the public.

## **CHAPTER III: ENVIRONMENTAL PROTECTION MEASURES**

### **SECTION 1: RULES AND STANDARDS**

#### **Article 10**

##### **DISCHARGE AND EMISSION LIMIT LEVELS**

1 The Government, after receiving a proposal from the Minister, shall have the authority to issue subsidiary normative acts establishing the acceptable limit levels for the Discharge and Emission of pollutants -including solid, liquid, gaseous pollutants -and hazardous substances into the air, water and soil.

2 All subsidiary normative acts authorized by this Section shall be developed, adopted and amended from time-to-time so as to gradually phase in the relevant EU standards and requirements in a manner that is both realistically affordable by public authorities, persons and undertakings and consistent with the sustainable economic development of Kosovo.

3 One of the subsidiary normative acts authorized by this Section shall establish acceptable limit levels for Emissions from vehicles containing internal combustion engines.

4 Where it deems it to be in the public interest to do so, the Government may suspend, in whole or in part, the applicability of a subsidiary normative act authorized by this Section to an existing polluter if such existing polluter enters into an administrative contract with the Government requiring such existing polluter to comply with a specific set of ever more strict emission standards over time, in accordance with a specified set of progressive deadlines. Any such contract shall require the concerned existing polluter to pay on a regular basis a reasonable fee, which shall become part of the Kosovo Consolidated Fund. Each such contract shall be submitted to the Assembly for review, and no such contract shall become effective unless and until it is ratified by the Assembly.

5 Where it deems it in the public interest to do so, the Government may enter into an administrative contract with an existing polluter requiring such polluter to comply with stricter emission standards than those established by the relevant subsidiary normative acts issued pursuant to this Section, in order to provide existing polluters with sufficient incentives to enter into such an administrative contract, the Government shall develop proposals, for consideration by the Assembly, recommending that the Assembly establish certain incentives that the Government may offer to existing polluters. Any such contract that grants an incentive to an existing polluter shall be submitted to the Assembly for review, and no such contract shall become effective unless and until it is ratified by the Assembly.

#### **Article 11**

##### **RULES OF OPERATION**

The Government, after receiving a proposal by the Minister, shall have the authority to issue one or more subsidiary normative act specifying the basic rules of operation to be observed by public service operators providing Public Services in the Field of Environmental Protection.

#### **Article 12**

##### **RULES OF OPERATION IN RELATION TO WASTE AND HAZARDOUS SUBSTANCES**

1. The Government, after receiving a proposal by the Minister, shall have the authority to issue one or more subsidiary normative act specifying the rules of operation that must be observed by any public authority, person or undertaking engaged in the business of managing, storing, transporting or administering Waste or Hazardous Waste. Such subnormative acts may specify the technical requirements and/or criteria applicable to:

- (a) The siting or establishing of a Waste or Hazardous Waste storage or disposal site or facility;
- (b) The collection, classification, storage and transportation of Waste or Hazardous Waste;
- (c) The recycling, composting, and other methods of reusing Waste;
- (d) The accumulation, destruction and/or treatment of Waste and Hazardous Waste; and
- (e) The use of Waste as energy-producing materials, raw materials, etc.

1 If the Government believes that it is in the public interest to ensure that only a person or undertaking holding a particular type of license may engage in the handling of a particular type of Waste or Hazardous Waste, the Government may develop and issue a subsidiary normative act establishing simple, rational, non-discriminatory, and nonexclusive licensing requirements that must be met by a person or undertaking in order to secure such a license. Such licenses may prescribe rational and non-discriminatory conditions that must be complied with by the holders of such licenses. Such a license shall be issued to every applicant meeting such requirements.

2 The Government shall have the authority to issue a subsidiary normative act requiring all public authorities, persons and undertakings handling Hazardous Waste to keep records regarding such activities.

#### Article 13

##### **CONSENT AND PROHIBITION FOR IMPORT**

1 Processing, storing or importing radioactive Waste and other Hazardous Waste, tailless specifically permitted by the Government, is unlawful in the territory of Kosovo.

2. The Government shall, in accordance with the Law on External Trade, prescribe the following:

- (a) Situations in which environmental inspections of permanently or temporarily imported goods is mandatory;
- (b) Situations in which the permanent or temporary import, export, storage and transit of certain goods through Kosovo is prohibited; and
- (c) Situations in which the prior consent of the Minister is required for the import; export, storage or transit of goods.

2 The Minister shall prescribe the manner by which the environmental inspection of permanently or temporarily imported goods is conducted.

3 The Ministry may dispose of any illegally imported, exported, stored or transported goods or those goods that are considered to exist in contravention of this Article.

#### Article 14

##### **WARNINGS TO THE POPULATION**

1 The Minister shall, together with the minister responsible for health, issue warnings, recommendations and protection measures when Pollution exceeds critical limit levels as prescribed in Article 10 of this law.

2 Municipalities shall issue appropriate warnings, recommendations and protection measures for their respective areas.

3 Environmental Permits for projects or other activities affecting Environment may stipulate the

obligation to warn, instruct and advise the population if an Environmental Impact Assessment reveals that the intended activity may pose a risk of Environmental Strain.

#### Article 15

##### **MANUFACTURER'S WARNING**

1. The Government shall, after receiving a proposal from the Minister, establish a list of items that are required to bear an environmental warning label. For each item on such list, the

Government shall provide a clear specification of the content of the environmental warning label that such item is required to bear.

2 Only manufacturers, wholesalers or importers that deal in commercial quantities of the concerned items shall be responsible for complying with such labeling requirements.

3 Neither the list nor the labeling requirements referred to above shall be any more extensive or burdensome than the relevant requirements of the EU. To the extent consistent with the relevant EU requirements, the Government may require that an environmental warning label contain instructions on the use, handling and proper disposal of the concerned item.

4 In order to ensure compliance with such labeling requirements, the Government shall establish reasonable monetary penalties for violations of those requirements; provided, however, that during the first twelve (12) months after the establishment of any such labeling requirement, the Government shall not assess any such penalty. During this twelve (12) month period, the Government shall provide violators with warnings and information about the existence labeling requirements and the potential penalties for violating those requirements.

#### Article 16

##### **OBLIGATION OF NOTIFICATION AND COOPERATION**

1 Anyone who is aware, or ought to be aware, of an Environmental Damage or Environmental Accident shall notify the Environmental Inspectorate or other responsible authority.

2 The police and other public officials who become aware of an Environmental Damage or an Environmental Accident in the course of their official duties and tasks shall immediately notify the Environmental Inspectorate.

3 Administrative and scientific institutions and municipalities shall cooperate with, and assist, the Environmental Inspectorate in the search of the cause of the Environmental Strain or Damage and in the identity of the parties responsible for the Strain or Damage.

## **SECTION 2: FINANCIAL OBLIGATIONS OF THE PARTY RESPONSIBLE**

#### Article 17

##### **RESPONSIBILITY AND OBLIGATIONS INVOLVING EXCESSIVE OR CRITICAL ENVIRONMENTAL STRAIN**

1 The Government shall have the authority to develop a subsidiary normative act that imposes reasonable fines on persons, undertakings and public authorities engaged in activities causing an Excessive or Critical Environmental Strain. Such fines shall be sufficient to deter the concerned authorities, persons or undertakings from engaging in such activities on an ongoing basis. In appropriately severe cases of Critical Environmental Strain, such subsidiary normative act may require the responsible party to undertake or pay for certain clean-up efforts needed to reduce the strain to a less than critical level.

2 If a piece of property contains a concentration of pollutants or hazardous waste that constitutes an Excessive or Critical Environmental Strain, the owner of such piece of property shall, if such concentration is determined to constitute a genuine and significant danger to human health or the Environment, generally be liable for reducing or abating, over an affordable time frame, such

concentration, provided, however, that the owner shall not be liable for reducing or abating such concentration if such concentration is the result of the activity of a socially owned or public enterprise.

3 An owner shall also not be liable to abate or reduce such concentration to the extent that such concentration existed prior to the effective date of the present law if such owner did not cause or participate in any manner in the acts resulting in such concentration. Provided, however, that to the extent that the owner acquired the property at a reduced price reflecting the presence of such concentration, then the owner shall be liable to pay the cost of abating or reducing such concentration up to the difference between the market value of the property at the time of the acquisition and the reduced price paid by the owner.

4 A person or undertaking engaged in an activity that involves an inherent and unusually high risk of danger to third persons and/or substantial Environmental Damage shall be required to carry certain basic levels of insurance to cover potential liability to third persons in the event of an Environmental Accident. The Government shall issue a subsidiary normative act specifying the types of activity requiring mandatory insurance and the levels of mandatory insurance applicable to each type of activity.

#### Article 18

#### **USE OF NATURAL RESOURCES**

1. Natural or legal persons may engage in research, exploration and exploitation of Natural Resources if they meet the following conditions:

- (a) Submission of an Environmental Impact Assessment when required, in accordance with Article 13;
- (b) Respect all laws and rules relating to their activity;
- (c) If the Natural Resource is public property, to have a Concession or other adequate right to use and exploit the Natural Resource in accordance with the law;
- (d) During the activity, mitigate the Environmental Strains, after the termination of the activity, rehabilitate the Environment or restore it to its previous state and condition in accordance with a rehabilitation project; and
- (e) For those projects that are subject to an Environmental Impact Assessment, the rehabilitation project must be included in the Environmental Impact Report.

2. The nature of Concession rights and the procedure for granting Concessions for the use and exploitation of Natural Resources shall be determined by law.

#### **SECTION 3: REHABILITATION MEASURES**

#### Article 19

#### **PROTECTION AND REHABILITATION MEASURES**

1 When it can be proved with substantial evidence that the negligent or intentional acts or omissions of a person, undertaking or public authority have caused an Excessive or Critical Environmental Strain or Environmental Accident that results in Environmental Damage, such person, undertaking or public authority shall be required to undertake reasonable measures to return the affected area to a condition that no longer poses a significant danger to public health or the general regenerative capacity of the affected area.

2 Furthermore, if such person, undertaking or public authority is engaged in ongoing activities that were the cause of an Excessive or Critical Environmental Strain or Environmental Accident that resulted in Environmental Damage, such person, undertaking or public authority shall be required to introduce reasonable measures to ensure that such activities are conducted in the future in a manner

that (i) reduces Discharges and Emissions to levels within permissible limits and (ii) minimizes, in accordance with accepted international practice, the threat of an Environmental Accident.

3 A person undertaking or public authority who is required to undertake measures under paragraph 1 and/or paragraph 2, shall, in appropriately complex cases, be required to develop and provide to the Minister a plan outlining the measures that such person, undertaking or public authority intends to take. The Minister shall have sixty (60) days to review such plan. If the Minister has a reasonable basis to believe that the measures outlined in the plan are inadequate to meet the requirements of paragraph 1 and/or paragraph 2, the Minister shall within the sixty (60) day period - provide the concerned person, undertaking or public authority with a specific set of modifications to the plan required by the Minister. If the concerned person, undertaking or public authority believe that the modifications proposed by the Minister are unreasonable or require measures that are more costly than or otherwise in excess of what is needed to meet the requirements of paragraph 1 and/or paragraph 2, the concerned person, undertaking or public authority shall have the right to challenge, in court, the validity of any or all of the required modifications.

4 If the identity of a party responsible for Environmental Damage cannot be determined, or in cases where a person or undertaking lacks sufficient financial means to adequately abate the Environmental Damage, the Government shall have the authority -if the Environmental Damage presents a clear and on-going danger to human health – to adopt and implement a reasonable cost-effective abatement program. If the Environmental Damage is of a local nature, the Municipality shall have the authority to adopt and implement such a program. If, at any time after the commencement or conclusion of such a program, the identity of a responsible party is established, the Government or concerned Municipality shall be entitled to recover the costs incurred in abating the damage attributable to the negligent or intentional acts or omissions of that party.

5 Before the enforcement of the rehabilitation program starts, the responsible person shall present to the Minister proposal for its approval. If such a rehabilitation program involves the responsibilities of other ministries, other ministries shall bring about their consent and proposal before the decision is issued. Before the approval of the Minister, the proposal of the rehabilitation program shall be made available for the public, minimum 14 days prior.

#### **SECTION 4: ENVIRONMENTAL IMPACT ASSESSMENT, CONSENT, PERMIT AND AUTHORIZATION**

##### **Article 20**

##### **ENVIRONMENTAL IMPACT ASSESSMENT**

1 A person, undertaking or public authority that is planning the construction of an industrial or processing facility or a major work or project shall, if such facility, project or work has a significant potential for causing Environmental Damage, first be required to conduct an Environmental Impact Assessment (EIA) and to file with the Ministry a report summarizing the findings of that EIA (EIA Report).

2 A person, undertaking or public authority that is planning to significantly modify the operations of an existing industrial or processing facility or major work or project shall, if such modification has a significant potential to increase or substantially alter Emissions and/or Discharges, first be required to conduct an EIA and to file with the Ministry an EIA Report summarizing the findings of that assessment.

3 An EIA shall not be required in connection with the construction or modification of residential and non-industrial commercial buildings within the areas prescribed for such construction by the applicable spatial plan.

4 The Government, after receiving a proposal from the Minister, shall issue a subsidiary normative act establishing, in accordance with this Article 23, a list specifying (i) the types of industrial and processing facilities, projects and works the construction of which requires an EIA and

an EIA Report, and (ii) the types of modifications to industrial and processing facilities, projects and works the execution of which require an EIA and an EIA Report.

5 The Government, after receiving a proposal from the Minister, shall establish a subsidiary normative act specifying, at an intelligible level of detail, (i) a description of the procedures that shall be used in the conduct of an EIA and (ii) a description of the types of information that shall be contained in an EIA Report. Such subsidiary normative act may establish different procedures and different information requirements for different types of planned activities; provided, however, that such differences shall have a sound scientific basis. Such differences may also be based on differences in the scope and the size of the planned activities.

6. An EIA shall only be performed, and an EIA Report may only be prepared and submitted, by a person or undertaking (i) having special expertise and training in the environmental sciences, the conduct of an EIA, and the preparation of an EIA report, and (ii) holding a license (an EIA license) from the Ministry that authorizes such person or undertaking to conduct EIAs and to prepare EIA reports. The Government, after receiving a proposal from the Minister, shall issue a subsidiary normative act specifying reasonable, nondiscriminatory, minimum requirements that a person or undertaking must meet in order to obtain an EIA license. Such subsidiary normative act shall require the Ministry to issue an EIA license to any and all persons and undertakings providing reasonable evidence of compliance with the requirements established by such subsidiary normative act. The Ministry shall not impose any numerical limit on the number of EIA licenses issued. The subsidiary normative act required by this paragraph shall also require a 11 EIA license holders to conduct an EIA and to prepare an EIA Report in a wholly independent and

scientifically objective manner. The Ministry shall not issue an EIA license to any person or undertaking until the subsidiary normative act required by this paragraph has been issued and all required application forms have been prepared, adopted and made publicly available.

6 The Ministry shall maintain an up-to-date list of all holders of an EIA license. The Ministry shall immediately provide such list to any person requesting such list or the names of the holders of an EIA license. However, neither the Ministry nor any official or civil servant of any public authority may make any recommendation with respect to the services offered by any EIA license holder.

## Article 21

### **ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE AND ENVIRONMENTAL CONSENT**

1 All public officials and civil servants having the authority to issue a construction permit, and all persons and undertakings holding a license to engage in construction activities, shall be required to receive basic training in the EIA requirements established by Article 20 and the subsidiary normative acts issued pursuant to Article 20.

2 If a public official receives an application for a construction permit that involves an activity that is subject to an EIA requirement under Article 20, the public official shall notify the applicant that the permit cannot be issued until the applicant has conducted an EIA, filed the required EIA report with the Ministry, obtained an Environmental Consent from the Ministry, and provided such official with such Environmental Consent. Such official shall also notify the applicant that an EIA may only be performed, and an EIA report may only be prepared by, a holder of an EIA license issued by the Ministry.

3 After receiving an EIA report, the Ministry shall immediately seek the advice of KEPA with respect to such EIA report and, within sixty (60) days from the date such EIA report was submitted, either (i) issue the concerned Environmental Consent or (ii) deny the Environmental Consent by providing the concerned applicant with a detailed written statement of the reasons for such denial. The Ministry may, in denying an Environmental Consent, propose certain modifications, if possible, to the proposed construction or other activity that will allow the Ministry to issue the proposed consent.

4 If an applicant for an Environmental Consent believes that a denial of an Environmental Consent was arbitrary or capricious, made for an illicit purpose, or not based on sound science or

applicable environmental standards, the applicant may challenge the denial in court.

5 Before an Environmental Consent is issued, the Ministry, through KEPA, shall provide the public an opportunity to review the EIR and the draft decision for no less than fifteen (15) days and no more than thirty (30) days. During this review period, the EIR and the draft decision shall be available for inspection by the public and a public hearing shall be held. The Person intending to undertake a project shall be present at the public hearing and have an opportunity to explain the project to the public. KEPA must consider public concerns and suggestions but is not obliged to act on them. The date, time and place of the review period and the hearing shall be published in the public media and announced in the usual local manner.

6 The Ministry shall announce its decision on the Environmental Consent in the public media within seven (7) days of granting or denying the consent.

#### Article 22

##### **ENVIRONMENTAL OPERATIONAL PERMIT PROCEDURES -ENVIRONMENTAL PERMITS**

1 Constructed facilities, installations and machinery that have been subject to an EIA cannot commence operations without an Environmental Permit from the Ministry.

2 An Environmental Permit for operation shall be issued for a five-year period and may include technical exceptions for facilities, installations or machinery. During the application procedure and probation period for the Environmental Operational Permit, a determination shall be made as to whether such facilities, installations or machinery pollute or endanger the Environment.

3 The Minister, by legal act, shall prescribe the activities that are subject to an Environmental Permit, the application form for acquiring an Environmental Permit, the content of Environmental Permit, reasons for revocation of the permit and the registry of approved permits.

#### Article 23

##### **ENVIRONMENTAL AUTHORIZATION**

1 Without prejudice to Articles 20 and 21 of this law, no one shall be entitled to carry out or undertake an activity that may cause an Environmental Strain unless that activity has received an environmental authorization from the Ministry.

2 The Minister shall prescribe a list of activities that require environmental authorization, the application process and the content of the authorization.

3 An environmental authorization is not required for those activities for which an Environmental Impact Assessment procedure was performed.

#### Article 24

##### **NOTIFICATION TO NEIGHBORING COUNTRIES**

When an intended project could directly influence the Environment outside Kosovo, the Minister shall inform the Government and those countries that are likely to be affected by the intended project and provide them documentation of the intended project, including without limitation, the EIR on the project, in accordance with international conventions, including but not limited to those listed in Annex I.

##### **SECTION 5: PROMOTION MEASURES**

#### Article 25

##### **ENVIRONMENTAL LABEL**

1 The manufacturer of a product that is intended for general consumption may be awarded an environmental label as a sign of gratitude if the production, distribution, consumption and final disposal of the product places substantially less strain on the Environment than permitted by law.

2 The environmental label shall be awarded by the Minister. The conditions and procedures for the acquisition and the use of the label shall be prescribed by the Minister.

#### Article 26

##### **AWARD OF GRATITUDE AND PUBLIC AWARENESS**

1. Awards of gratitude awards for achievements in the field of Environmental Protection may be made for the following:

- (a) Technological solutions and achievements;
- (b) Research and development project achievements;
- (c) Achievements in the field of environmental self-consciousness and awareness;
- (d) Contributions by individuals, organizations and professional associations;
- (e) The prevention of negative effects of Environmental Strains;
- (f) Production of environmental products; and
- (g) Specific contributions toward sustainable development, environmental efficiency and environmental rationalizations.

1 The procedure, manner and conditions for the award of gratitude shall be prescribed by the Minister in a legal act.

2 The Ministry shall organize and promote public awareness and education campaigns about the importance of Environmental Protection.

##### **SECTION 6: SPECIAL MEASURES FOR ENVIRONMENT PROTECTION**

#### Article 27

##### **PLANS OF INTERVENTION FOR CASES INVOLVING ENVIRONMENTAL ACCIDENTS**

1 At the recommendation of relevant ministries, the Government shall issue intervention plans for cases in which Environmental Accidents, extraordinary risks to the Environment or risks to human health and life may occur.

2. Intervention plans, described in paragraph 1, above, shall contain the following information:

- (a) Types of risks as a result of Environmental Accident;
  - (b) Procedures and measures for the mitigation and elimination of harmful consequences to the Environment;
  - (c) Public authorities responsible for the implementation of prescribed measures;
  - (d) Responsibilities of public authorities necessary to implement protection measures;
- and
- (e) The manner of coordinating intervention measures in accordance with other laws.

3. The Minister is responsible for developing a proposed plan, which shall be subject of review and approval by the Government, for the following:

- (a) The methodology of drafting the Environmental Accident risk analysis (including Pollution risk analysis, preparatory measures for potential Environmental Accidents and measures of averting immense consequences of accidents);
- (b) The manner of identifying the type and quantity of hazardous substances in production, exploitation, circulation, transport, storage and time-limits for the delivery of such identifications; and
- (c) The manner and criteria for the categorization of hazardous substances.

4. Persons and undertakings that are engaged in the business of producing, transporting, using, processing, and/or storing commercial quantities of hazardous waste or hazardous substances shall be obligated to develop and provide to the Ministry, every two years, a document that sets forth:

- (a) Their intervention plan for potential Environmental Accidents;
- (b) A risk analysis of the possibility of Environmental Accidents;
- (c) A description of their current prevention measures and their planned ^rehabilitation measures in the event of an Environmental Accident; and
- (d) A record of the type and amount of hazardous substances according to the categorization of hazardous substances.

2 If in the event of an Environmental Accident and is the existence of a threat of Pollution or deterioration of Environment due to the release of harmful and hazardous substances, the Person whose activity has caused the threat of Pollution to the Environment, is required to immediately notify the Minister, the ministry responsible for emergency safety and the producer or dealer of these hazardous substances.

3 Notifications shall contain notations of the circumstances of the accident, place, time, type and quantity of hazardous substances and any measures that were exercised to alleviate such circumstances.

## Article 28

### **AIR PROTECTION**

1 The Government, after receiving a proposal from the Minister and taking into account the principles established in Article 5, shall issue a subsidiary normative act establishing prescribed permissible maximum levels for the discharge and emission of pollutants into the air. The Government shall ensure that the levels established by such subsidiary act are consistent with the ability of Kosovo to comply at a reasonable cost. The Government shall have the authority to adjust downward such permissible maximum levels over time to bring them gradually into compliance with the prescribed levels of the EU.

2 Air protection shall be implemented at the central level, according to an air protection program, which shall have defined procedures and gradual time limits for achieving technical standards and maintaining Emissions within prescribed limit levels.

3 Objects that contain air Pollution sources are required to use technical, technological and other measures to guarantee that Emissions in the air are maintained within prescribed limit levels in accordance with the law and other legal acts.

## Article 29

### **WATER PROTECTION**

1 The Government, after receiving a proposal from the Minister and taking into account the principles established in Article 5, shall issue a subsidiary normative act establishing prescribed permissible maximum levels for the discharge and emission of pollutants into the water. The Government shall ensure that the levels established by such subsidiary act are consistent with the ability of Kosovo to comply at a reasonable cost. The Government shall have the authority to gradually adjust such levels over time to bring them gradually into compliance with the prescribed levels of the EU.

2. Without prejudice to standards, rules and prescribed limit levels of Pollution, the following are prohibited:

- (a) Discharge into waters of solid, liquid or gaseous non-toxic materials, including organisms and different types of energy, that directly or indirectly cause a change in the turbidity, sedimentation, flavor or other changes in the quality of water;

- (b) Discharge of Waste waters into public sewage systems that contain substances above the prescribed limit levels or contain harmful substances that can cause, problems in sewage systems or water-cleaning facilities; and

- (c) The use of abandoned water wells as septic ditches.

2 The Hydro-meteorological Institute of Kosovo, which is within KEPA and under the authority of the Ministry, shall monitor surface and underground waters, provide systematical research and immediately inform the authorities of the relevant ministries about any accidental Pollution of waters.

3 The subsidiary normative act authorized under paragraph 1 may require industrial and other large scale undertakings and public authorities that discharge pollutants into the water and public sewage systems to, where necessary, install the equipment necessary to measure and/or record the type and quantity of such discharges and to regularly provide such information to the Ministry.

#### Article 30

##### **SOIL PROTECTION**

1 The Government, after receiving a proposal from the Minister and taking into account the principles established in Article 5, shall issue a subsidiary normative act establishing prescribed permissible maximum levels for the discharge and emission of pollutants into the soil. The Government shall ensure that the levels established by such subsidiary act are consistent with the ability of Kosovo to comply at a reasonable cost. The Government shall have the authority to adjust downward such levels over time to bring them gradually into compliance with the prescribed levels of the EU.

2 A legal or natural Person who explores or exploits Natural Resources, deposits Waste, ashes, slag or other materials, or who engages in other activities that degrade the productive the soil, cause soil erosion or a change in the water regime, must restore the surface of the soil, the previous water regime and the geo-mechanical stability. The restoration must be conducted during the operation and after the termination of such activities, in accordance with Environmental Protection and re-cultivation projects that are approved by the Minister and Minister of Agriculture, Forestry and Rural Development.

#### Article 31

##### **NOISE PROTECTION**

1 The Ministry shall issue provisions which regulate permitted noise limit levels in the living Environment and provide methods for noise measurements, standards for noise measurement equipment, licensing conditions to be met for the measurement of noise and vibrations and the contents that must be contained in recorded documents for current sources of noise.

2 Municipalities, in the framework of their competencies, shall issue legal acts and undertake noise protection measures, including measures in their spatial-planning acts that prescribe dwelling zones, resorts and recreation zones, and provide for a systematical noise and vibration measurement.

3 Any technical documentation for the construction of industrial objects, highways railways, airports and other sources of noise and vibration must prescribe technical solutions for noise and vibration protection and must be subject to an assessment of the impact they have on the Environment.

#### Article 32

##### **IONIZED RADIATION AND RADIOACTIVITY PROTECTION**

1 According to prescribed criteria, conditions and procedures determined by the relevant ministries, there shall be research, monitoring, systematic monitoring and monitoring of the composition of radioactive substances in the air, water, soil atmospheric precipitation, flora and fauna, construction materials, drinking water and food particles in cases of reasoned suspicion and in extraordinary conditions. Information of the monitoring results and protection measures made for radiation shall also provided to relevant ministries.

2 Research and monitoring, as is referred to in paragraph 1, above, shall assess the radioactive

danger to the public health and Environment and shall be conducted by relevant competent ministries.

3 Institutions that are Licensed to conduct research and monitoring of the radioactive composition of substances in the Environment and the measurements for the intensity of the radiation are required to report monitoring results to the relevant competent ministries.

4 The Government shall, with a specific normative act, set the criteria and levels that need to be undertaken for protection from emission and radioactivity.

## **CHAPTER V: NATURE PROTECTION**

### Article 33

#### **NATURE PROTECTION AREAS**

1 Areas containing Valuable Natural Features that are of international, national, interregional and municipal interest to Kosovo and its regions or municipalities are protected by, and shall be protected by, special legal acts.

2 The protection and conservation of nature, the sustainable exploitation of Natural Resources and the categorization of areas containing Valuable Natural Features shall be made in accordance with relevant international conventions, procedures for protecting threatened rare specie of flora and fauna and protection regimes and their management according to levels of categorizations. Public participation in the decision-making process over nature protection measures and professional supervision of areas containing Valuable Natural Features are and shall be regulated by law.

### Article 34

#### **BIO-DIVERSITY PROTECTION**

1 The Government, after receiving the views of the Institute for Nature and Environmental Protection within KEPA, shall have the authority to issue a subsidiary normative act that provides reasonable measures for the protection of the bio-diversity of Kosovo. Such measures shall be implemented by the Institute for Nature and Environmental Protection.

2. The bio-diversity protection functions of me Institute for Nature and Environmental Protection within KEPA shall include:

(a) Designing and prescribing criteria and conditions for keeping an inventory of threatened rare species of flora, fauna and Ecosystems that are threatened by extinction, continual deterioration or degradation;

(b) Identification of existing problems and priorities for protection and sustainable exploitation of biodiversity;

(c) Assessment of the state of bio-diversity in order to establish a program of measures and activities for the protection and improvement of bio-diversity; and

(d) Research and pursuit of the permanent state of bio -diversity, its genetic components and variety of species and Ecosystems for the conservation of the environment.

## **CHAPTER VI: ENVIRONMENTAL MONITORING AND INFORMATION**

### Article 35

#### **ENVIRONMENTAL MONITORING**

1 The Ministry, through KEPA, shall monitor the state of the Environment and provide continual observation of the Environment, the state of valuable features and the Degradation and use of Natural Resources and their impact on human health.

2 KEPA is responsible for the collection and disposition of data and other indicators of the Environment, including Pollution and Environmental Strain, ionized and non-ionizing radiation and other harmful and hazardous substances into the air, water, soil, Bio-diversity, flora, fauna and climatic atmosphere.

3 The data gathered by environmental monitoring shall be public information and shall be included into the Environmental Protection Information System. Information about the results shall be made available to the public through the public media and by other means of public information.

4 The Minister shall, by a legal act, prescribe the criteria for the establishment of environmental observation stations, quantity and frequency of measures, classification of phenomenon under observation, methodology of work and form and time of reporting the data.

#### Article 36

##### **DISCHARGE AND EMISSION MONITORING AND ENVIRONMENTAL RECORD KEEPING**

1. Any person, undertaking or public authority that is engaged in an on-going activity that has been determined to cause an Excessive or Critical Environmental Strain, may -until such party has introduced permanent measures to ensure that the Emissions or Discharges that caused such Excessive or Critical Environmental Strain are in compliance with applicable prescribed maximum levels - be required by the Ministry to:

- (a) Organize a system for monitoring their own Discharges and Emissions;
- (b) Participate in the monitoring of the effect of the concerned Emissions and Discharges on the directly affected areas; and
- (c) Maintain records on the type and quantity of pollution emitted or discharged, any hazardous substances, or hazardous waste emitted or discharged, as well as the on the nature of the Excessive or Critical Environmental Strain.

1 The parties responsible for Environmental Strain shall report and send the data prescribed in paragraph 1 of this article to KEPA.

2 The Minister, by legal act, shall prescribe the content and the method of record-keeping, methods of presenting the data, methods of Emission monitoring, form and time of reporting monitored data and the equipment necessary for monitoring.

#### Article 37

##### **ENVIRONMENTAL PROTECTION INFORMATION SYSTEM**

1 The Ministry, through KEPA, shall organize and maintain a database called. the Environmental Protection Information System in order to observe and make evident the current state of the Environment.

2. The Environmental Protection Information System shall include, without limitation, on the following:

- (a) Natural Resources;
- (b) Excessive and Critical Environmental Strains;
- (c) Use of material and energy;
- (d) Dangerous and harmful substances;
- (e) Origin and distribution of Waste;
- (f) Emissions according to their sources;
- (g) Parties responsible for Excessive and Critical Environmental Strain;
- (h) Rehabilitation measures and programs;
- (i) Environmental Damage and Environmental Accidents;
- (j) Health and environmental conditions of the population;

- (k) Nature Conservation areas;
- (l) Bio-diversity measures;
- (m) Register of important natural features;
- (n) Type and discharge; and
- (o) Any other environmental matters as may be appropriate or required by this law.

3. The Ministry and Municipalities shall keep separate records, which are not part of the Environmental Protection Information System, that include without limitation, the following:

- (a) All subjects undertaking activities authorized by the Ministry and the municipalities and of the activities themselves;
- (b) Applications for Environmental Consents, Environmental Licenses and other environmental authorizations requested, and any further information furnished in connection with them;
- (c) Any other information obtained or furnished under any provision of this law or any ancillary regulation, direction or subsidiary normative act; and
- (d) Details of any penalties imposed pursuant to this law or any ancillary regulation, direction or subsidiary normative act.

#### Article 38

##### **CADASTRE - DATA BASE OF POLLUTION**

1 The Ministry shall keep a cadastre of Polluters in Kosovo that prescribes the characteristics and influence of Pollution on the air, water, soil and Protected Areas, and which also provides an analysis of the affects on them, makes evident those who are responsible for the Pollution and provides a registry of the harmful and hazardous substances emitted.

2. The Ministry shall prescribe and issue instructions on:

- (a) The form and the content of the cadastre for the Polluters of air, water, soil and objects of nature; and
- (b) A registry of harmful and hazardous substances.

### **CHAPTER VII: INSTITUTIONS OF ENVIRONMENTAL PROTECTION**

#### Article 39

##### **KOSOVO ENVIRONMENTAL PROTECTION AGENCY**

1 The Kosovo Environment Protection Agency (KEPA) consists of the Hydro-metrological Institute and the Institute for Nature and Environmental Protection and is in the Ministry. KEPA shall carry out administrative, professional, supportive, scientific and research tasks in the in the fields of Environmental Protection, nature protection, Biodiversity and hydro-meteorology.

2. Administrative tasks of KEPA include:

- (a) Issuing opinions on Environmental Impact Assessments and on Environmental Consents for construction permits;
- (b) Organizing the monitoring .of the state of Environment;
- (c) Issuing opinions on nature protection areas;
- (d) Organizing the Environmental Protection Information System; and
- (e) Such other tasks assigned by law.

3. Professional, supportive, scientific and research tasks of KEPA include:

- (a) Preparing the proposal for the Kosovo Environmental Protection and Sustainable Development Strategy and supervising its implementation after it has been approved by the Government;
- (b) Preparing Environmental Protection programs and the supervising their implementation after they have been approved by the Government;

- (c) Assessing spatial planning and adjustments;
- (d) Preparing reports on the state of Environment;
- (e) Providing scientific and other support for the preparation of Environmental Protection measures;
- (f) Providing scientific and other support for the protection of Bio-diversity, Nature Conservation Areas and other Nature Conservation measures according to this law;
- (g) Proposing incentives for awards of gratitude in the field of Environmental Protection;
- (h) Researching and developing projects related to Environmental Protection;
- (i) Preparing Environmental Protection material for educational purposes and for the development of public environmental awareness;
- (j) Monitoring and researching the atmosphere and hydrosphere, including meteorological and hydrological prognostic services;
- (k) Monitoring and developing modern technology that may be relevant to, environmental matters; and
- (l) Other tasks defined by law.

#### Article 40

##### **ENVIRONMENTAL PROTECTION ADVISORY BOARD**

- 1 The Assembly shall establish an Environmental Protection Advisory Board (hereinafter, “the Board”) to advise the Assembly and Government on Environmental Protection matters.
- 2 The Board shall consist of seven members appointed by the Assembly. The members shall be comprised of distinguished Environmental Protection experts and scientists. A member of the Board shall not be employed by the Ministry.
- 3 The Board shall be independent from any other Government authority.
4. The Board shall give opinions and suggestions to the Assembly and Government and inform the public on the following matters:
  - (a) The state of the Environment and trends in the field of Environmental Protection;
  - (b) The strategy and policy of Environmental Protection and its coordination with international trends;
  - (c) The harmonization of development and Environmental Protection;
  - (d) Laws governing Environmental Protection;
  - (e) The activities of the responsible ministries and the municipalities in the field of Environmental Protection;
  - (f) Public initiatives; and
  - (g) Other functions prescribed by the law.

#### Article 41

##### **KOSOVO ENVIRONMENTAL FUND**

- 1 There shall be established a fund known as the Kosovo Environmental Fund (hereinafter, the “Fund”). The Fund shall be a separate account within the Kosovo Consolidated Fund.
- 2 Money on account in the Fund shall only be used for improving the environment, abating dangerous concentrations of pollutants, and promoting the protection of the Environment,
3. The Fund shall be financed by:
  - (a) General public funds specifically appropriated to the Fund by the Kosovo Consolidated Budget;
  - (b) Revenues from environmental taxes approved by the Assembly;
  - (c) Penalties, fines and fees authorized by the present law and received from polluters;
  - (d) Any grants or donations specifically designated for the Fund.
- 3 The Fund shall not be used to provide any subsidies or loans to any public authority, person

or undertaking. The Fund shall be subject to the requirements of the Law on Public Financial Management and Accountability. Any purchases of goods services, works or property with money from the Fund shall (i) be made in strict conformity with the applicable normative and subsidiary normative acts on public procurement and (ii) shall be directly and obviously related to a purpose specified in paragraph 2 of this Section.

## **CHAPTER VIII: PROFESSIONAL AND INSPECTIVE SUPERVISION**

### Article 42

#### **PROFESSIONAL SUPERVISION**

The Ministry shall conduct supervision of the implementation of the provisions of this law and other legal acts issued under this law.

### Article 43

#### **INSPECTIONS**

1 The Environmental Inspectorate shall be a department within the Ministry. The Environmental Inspectorate shall be responsible for carrying out the functions specifically assigned to the Environmental Inspectorate by the present law or a subsidiary normative act validly issued pursuant to the present law.

2 The Ministry shall appoint the Chief Environmental Inspector and Environmental Inspectors, which shall be independent in exercising their responsibilities prescribed by law.

3 The Minister shall prescribe through a legal act the qualifications of an Environmental Inspector and the form of his or her identification card.

### Article 44

#### **AUTHORIZATIONS OF ENVIRONMENTAL INSPECTORS**

The Government shall have the authority to issue a subsidiary normative act establishing, within reasonable and specified limits, the authority, duties and responsibilities of environmental inspectors. In developing such subsidiary normative act the Government shall include sufficient safeguards to ensure that the environmental inspectors cannot abuse their authority or take actions that are in excess of those needed to fulfill their responsibilities.

### Article 45

#### **COLLABORATION OF INSPECTION TASKS**

While carrying out inspections, if the Environmental Inspector determines that there is a violation of this law or other laws he shall inform other relevant competent authorities in order to conduct joint observation and other measures prescribed by law. If the other competent authorities also make such determinations, they shall inform the Environmental Inspector.

### Article 46

#### **AUTHORIZATIONS OF ENVIRONMENTAL MUNICIPAL INSPECTOR**

The Environmental Municipal Inspector, in carrying out responsibilities of inspection, shall be

responsible for those Environmental Strains of local character that do not cross Municipal borders and that can be controlled and prevented by the Municipalities themselves.

Article 47

**PROCEDURES ON COMPLAINTS AND APPEALS**

1 The Environmental Inspector, shall issue a decision if he determines that there are violations of environmental and nature protection laws and other legal acts.

2 An aggrieved Person may file a complaint against any decision by the Municipal Environmental Inspector. The complaint must be filed to the authorized Municipal body in accordance with the law.

3 If the complainant is dissatisfied with a decision by the Municipal Environmental Inspector or by the Environmental Inspector from the Ministry, the complainant may appeal the decision and refer the matter to the Ministry,

4 If the complainant is dissatisfied with the decision made by the Ministry, the complainant may file an appeal to the authorized court in accordance with the Law on Administrative Procedures.

**CHAPTER IX: PENALTY PROVISIONS**

Article 48

**OFFENCES**

All subsidiary normative acts issued pursuant to the present law shall contain provisions. that specify the penalties that may be imposed for violations thereof. All such penalty provisions of such subsidiary normative acts shall ensure that such penalties are proportionate to the degree and type of violation concerned and the degree of harm caused by such violation to the interest concerned.

**CHAPTER X: CONCLUDING PROVISIONS**

Article 49

**GOVERNMENTAL ACTS AND MINISTERIAL ACTS**

1 The Government issues acts pursuant to this law within 12 months from the day this law enters in force.

2 The Ministries issue instructions which have been foreseen by this law within 18 months from the day this law enters in force.

3 Municipalities and other concerned subjects should harmonise their acts and activities with the provisions of this law within 24 months from the day this law enters in force.

4 Applicable laws that are inconsistent with the legal acts adopted under paragraphs 1,2 and 3 of this article shall be considered null and void.

Article 50

**APPLICABLE LAW**

This law shall supersede any provision in the applicable law that is inconsistent with this law.

Article 51

**ENTRY INTO FORCE**

This law enters into force after its approval by the Assembly of Kosovo, signature by the President of the Assembly and its promulgation by the SRSG

16<sup>th</sup> of January 2003

*Academician Nexhat Daci*  
*President of the Assembly of Kosovo*